



Resolving Legal Disputes

2018 Executive Office for Immigration Review
JLC Training Program

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Identifying Legal Disputes

- During Intake
 - Identified by the IJ
- While Reviewing Evidence
 - Identified by the parties
- While Drafting
 - Identified by the JLC



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General Tools

- Court-Specific
 - Prior decisions, brownbag presentations, etc.
- OCIJ Intranet
 - Legal outlines, Draft Decision Bank, etc.
- Internet/Other
 - Other government agency materials, nonprofit organization advisories, Kurzban's Immigration Law Sourcebook

EXAMPLES



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Removability- Criminal Grounds

- Issue: Can DHS sustain its burden to establish removability?
- Available Resources
 - Court Specific Resources
 - Draft Decision Bank
 - Practitioner's Insights on Westlaw
 - BIA Decisions on the Intranet
 - Statutory Language
 - State-Specific Law



Cancellation of Removal

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Bar to Relief – Particularly Serious Crime

- Issue: Is the Respondent's conviction for selling counterfeit goods a particularly serious crime?
- Available Resources
 - Statute of conviction
 - Circuit and BIA case law
 - Sparing use of administrative notice of secondary sources
 - JLC Forum



Cancellation of Removal

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Motion to Terminate- Removability Contested

- Issue: Does the Immigration Court have jurisdiction over A-2 visa holders?
- Available Resources
 - Google
 - Bender's Immigration and Nationality Act Pamphlet
 - Code of Federal Regulations
 - Documentary Evidence in the ROP
 - Legal Databases



Cancellation of Removal

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Bar to Relief - Tier III Terrorist Organization Designation

- Issue: Should a particular group be designated a Tier III Terrorist Organization?
- Available Resources
 - INA & federal statutes
 - State Department designation lists
 - Secondary sources from USCIS, Immigration Law Advisor
 - Documentary evidence regarding the group



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Remember!

- Weight of authorities
- Remain objective
- Have enough law and evidence to support your conclusion

QUESTIONS?

